

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

NELDA FLEENOR,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,

Defendant.

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NO. CIV-10-064-D

**ORDER**

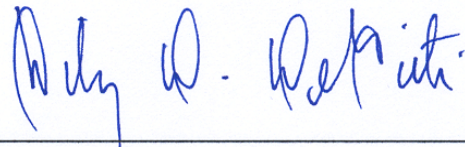
Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of Social Security Administration denying Plaintiff's application for benefits under the Social Security Act. The matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on December 27, 2010, Judge Roberts filed a Report and Recommendation [Doc. No. 24] in which she recommended that the Commissioner's decision be affirmed.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same; she scheduled a January 17, 2011 deadline for filing such objections. The Magistrate Judge also expressly cautioned the parties that a failure to timely object would constitute a waiver of the right to seek appellate review of the factual findings and legal conclusions set forth in the Report and Recommendation.

The deadline for filing objections has expired, and neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 24] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the decision of the Commissioner denying Plaintiff's application for benefits is

affirmed.

IT IS SO ORDERED this 31<sup>st</sup> day of January, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE